THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 22541 of 2007

Dated: 29.11.2007

Between:

Smt. Cherivi Sampoornamma

... Petitioner

AND

Land Acquisition Officer/Special Deputy Collector,
Tirupathi, Chittoor District & others.

... Respondents

Counsel for the petitioner : Sri V. Vinod K. Reddy

Counsel for the respondents : Assistant Government Pleader for Land Acquisition

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 22541 of 2007

ORDER:-

This writ petition is filed for a writ of mandamus to declare the action of the respondents in seeking to dispossess the petitioner from Ac.1-73 cents of land in Sy.No.272/5 of Mopurupalli Vidllage, Varadaiahpalem Mandal, Chittoor District, without initiating proceedings under the Land Acquisition Act, 1894 (for short, 'the Act'), as violative of Articles 14 and 300-A of the Constitution of India.

When the writ petition came up for admission on 25.10.2007, the same was adjourned to enable the petitioner to file a copy of the DKT patta, which was allegedly given in her favour in respect of the land in dispute. The petitioner, however, filed an affidavit, wherein it is stated that the said DKT patta was lost and therefore she is unable to file the same.

As regards the prayer for initiation of acquisition proceedings, learned counsel for the petitioner admitted that since the petitioner was given a DKT patta, the respondents are entitled to resume the land subject to payment of
ex gratia to her. In the absence of filing of a copy of DKT patta, this Court is unable to give any finding as to whether the petitioner's contention that she was granted DKT patta was correct or not.

In these circumstances, I deem it appropriate to dispose of the writ petition with a direction to respondent No. 3 (respondent

No.3 is wrongly mentioned as respondent No.2 in the cause title) to enquire whether any DKT patta in respect of Ac.1-73 cents of land in Sy.No.272/5 of Mopurupalli Village, Varadaiahpalem Mandal, Chittoor District was granted to the petitioner and if it is found in the enquiry that such a patta was granted, they shall consider her claim for *ex gratia* compensation. The petitioner shall make a representation to respondent No. 3 within three weeks from today and on such representation being made, Mandal Revenue Officer, Varadaiahpalem Mandal, Chittoor District, respondent No.3, shall consider and dispose of the same within four weeks thereafter.

As a sequel to disposal of the writ petition, WPMP.No.29299 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

Date: 29.11.2007
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